

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RYDER TRUCK RENTAL, INC.,

Plaintiff,

vs.

PROGRESSIVE SOUTHEASTERN
INSURANCE COMPANY,

Defendant.

CV 23-1-BLG-SPW-KLD

ORDER

On February 28, 2023, the Clerk of Court entered default against Defendant Progressive Southeastern Insurance Company pursuant to Federal Rule of Civil Procedure 55(a). (Doc. 8). On March 24, 2023, Defendant entered an appearance in the case and filed a motion to dismiss for insufficient process pursuant to Rule 12(b)(4) and set aside the default. (Doc. 11).

On April 7, 2023, Plaintiff Ryder Truck Rental, Inc. filed a joint status report (Doc. 13) stating that the parties have stipulated to set aside the entry of default, with each party to bear its own costs and fees, and that Defendant will proceed with filing its Answer and Counterclaim. (Doc. 13). Plaintiff has also filed a response brief stating that it does not oppose Defendant's motion to set aside the entry of default. (Doc. 14). Accordingly,

IT IS ORDERED that Defendant's motion to set aside the entry of default (Doc. 11) is GRANTED. The default entered by the Clerk of Court on February 28, 2023 (Doc. 8) is hereby VACATED, with each party to bear its own fees and costs, and the case will proceed as stipulated to by the parties.

DATED this 10th day of April, 2023.



Kathleen L. DeSoto
United States Magistrate Judge